



Sen. Daniel Biss

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1 AMENDMENT TO HOUSE BILL 6292

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 6292, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 3. The Freedom of Information Act is amended by  
6 changing Section 7 as follows:

7 (5 ILCS 140/7) (from Ch. 116, par. 207)

8 Sec. 7. Exemptions.

9 (1) When a request is made to inspect or copy a public  
10 record that contains information that is exempt from disclosure  
11 under this Section, but also contains information that is not  
12 exempt from disclosure, the public body may elect to redact the  
13 information that is exempt. The public body shall make the  
14 remaining information available for inspection and copying.  
15 Subject to this requirement, the following shall be exempt from  
16 inspection and copying:

1           (a) Information specifically prohibited from  
2 disclosure by federal or State law or rules and regulations  
3 implementing federal or State law.

4           (b) Private information, unless disclosure is required  
5 by another provision of this Act, a State or federal law or  
6 a court order.

7           (b-5) Files, documents, and other data or databases  
8 maintained by one or more law enforcement agencies and  
9 specifically designed to provide information to one or more  
10 law enforcement agencies regarding the physical or mental  
11 status of one or more individual subjects.

12           (c) Personal information contained within public  
13 records, the disclosure of which would constitute a clearly  
14 unwarranted invasion of personal privacy, unless the  
15 disclosure is consented to in writing by the individual  
16 subjects of the information. "Unwarranted invasion of  
17 personal privacy" means the disclosure of information that  
18 is highly personal or objectionable to a reasonable person  
19 and in which the subject's right to privacy outweighs any  
20 legitimate public interest in obtaining the information.  
21 The disclosure of information that bears on the public  
22 duties of public employees and officials shall not be  
23 considered an invasion of personal privacy.

24           (d) Records in the possession of any public body  
25 created in the course of administrative enforcement  
26 proceedings, and any law enforcement or correctional

1 agency for law enforcement purposes, but only to the extent  
2 that disclosure would:

3 (i) interfere with pending or actually and  
4 reasonably contemplated law enforcement proceedings  
5 conducted by any law enforcement or correctional  
6 agency that is the recipient of the request;

7 (ii) interfere with active administrative  
8 enforcement proceedings conducted by the public body  
9 that is the recipient of the request;

10 (iii) create a substantial likelihood that a  
11 person will be deprived of a fair trial or an impartial  
12 hearing;

13 (iv) unavoidably disclose the identity of a  
14 confidential source, confidential information  
15 furnished only by the confidential source, or persons  
16 who file complaints with or provide information to  
17 administrative, investigative, law enforcement, or  
18 penal agencies; except that the identities of  
19 witnesses to traffic accidents, traffic accident  
20 reports, and rescue reports shall be provided by  
21 agencies of local government, except when disclosure  
22 would interfere with an active criminal investigation  
23 conducted by the agency that is the recipient of the  
24 request;

25 (v) disclose unique or specialized investigative  
26 techniques other than those generally used and known or

1 disclose internal documents of correctional agencies  
2 related to detection, observation or investigation of  
3 incidents of crime or misconduct, and disclosure would  
4 result in demonstrable harm to the agency or public  
5 body that is the recipient of the request;

6 (vi) endanger the life or physical safety of law  
7 enforcement personnel or any other person; or

8 (vii) obstruct an ongoing criminal investigation  
9 by the agency that is the recipient of the request.

10 (d-5) A law enforcement record created for law  
11 enforcement purposes and contained in a shared electronic  
12 record management system if the law enforcement agency that  
13 is the recipient of the request did not create the record,  
14 did not participate in or have a role in any of the events  
15 which are the subject of the record, and only has access to  
16 the record through the shared electronic record management  
17 system.

18 (e) Records that relate to or affect the security of  
19 correctional institutions and detention facilities.

20 (e-5) Records requested by persons committed to the  
21 Department of Corrections if those materials are available  
22 in the library of the correctional facility where the  
23 inmate is confined.

24 (e-6) Records requested by persons committed to the  
25 Department of Corrections if those materials include  
26 records from staff members' personnel files, staff

1 rosters, or other staffing assignment information.

2 (e-7) Records requested by persons committed to the  
3 Department of Corrections if those materials are available  
4 through an administrative request to the Department of  
5 Corrections.

6 (f) Preliminary drafts, notes, recommendations,  
7 memoranda and other records in which opinions are  
8 expressed, or policies or actions are formulated, except  
9 that a specific record or relevant portion of a record  
10 shall not be exempt when the record is publicly cited and  
11 identified by the head of the public body. The exemption  
12 provided in this paragraph (f) extends to all those records  
13 of officers and agencies of the General Assembly that  
14 pertain to the preparation of legislative documents.

15 (g) Trade secrets and commercial or financial  
16 information obtained from a person or business where the  
17 trade secrets or commercial or financial information are  
18 furnished under a claim that they are proprietary,  
19 privileged or confidential, and that disclosure of the  
20 trade secrets or commercial or financial information would  
21 cause competitive harm to the person or business, and only  
22 insofar as the claim directly applies to the records  
23 requested.

24 The information included under this exemption includes  
25 all trade secrets and commercial or financial information  
26 obtained by a public body, including a public pension fund,

1 from a private equity fund or a privately held company  
2 within the investment portfolio of a private equity fund as  
3 a result of either investing or evaluating a potential  
4 investment of public funds in a private equity fund. The  
5 exemption contained in this item does not apply to the  
6 aggregate financial performance information of a private  
7 equity fund, nor to the identity of the fund's managers or  
8 general partners. The exemption contained in this item does  
9 not apply to the identity of a privately held company  
10 within the investment portfolio of a private equity fund,  
11 unless the disclosure of the identity of a privately held  
12 company may cause competitive harm. Neither the exemption  
13 contained in this item, nor any other exemption under this  
14 Act, applies to information that is required to be  
15 disclosed under Section 1-113.17a of the Illinois Pension  
16 Code or is declared in that Section to be a public record.

17 Nothing contained in this paragraph (g) shall be  
18 construed to prevent a person or business from consenting  
19 to disclosure.

20 (h) Proposals and bids for any contract, grant, or  
21 agreement, including information which if it were  
22 disclosed would frustrate procurement or give an advantage  
23 to any person proposing to enter into a contractor  
24 agreement with the body, until an award or final selection  
25 is made. Information prepared by or for the body in  
26 preparation of a bid solicitation shall be exempt until an

1 award or final selection is made.

2 (i) Valuable formulae, computer geographic systems,  
3 designs, drawings and research data obtained or produced by  
4 any public body when disclosure could reasonably be  
5 expected to produce private gain or public loss. The  
6 exemption for "computer geographic systems" provided in  
7 this paragraph (i) does not extend to requests made by news  
8 media as defined in Section 2 of this Act when the  
9 requested information is not otherwise exempt and the only  
10 purpose of the request is to access and disseminate  
11 information regarding the health, safety, welfare, or  
12 legal rights of the general public.

13 (j) The following information pertaining to  
14 educational matters:

15 (i) test questions, scoring keys and other  
16 examination data used to administer an academic  
17 examination;

18 (ii) information received by a primary or  
19 secondary school, college, or university under its  
20 procedures for the evaluation of faculty members by  
21 their academic peers;

22 (iii) information concerning a school or  
23 university's adjudication of student disciplinary  
24 cases, but only to the extent that disclosure would  
25 unavoidably reveal the identity of the student; and

26 (iv) course materials or research materials used

1           by faculty members.

2           (k) Architects' plans, engineers' technical  
3 submissions, and other construction related technical  
4 documents for projects not constructed or developed in  
5 whole or in part with public funds and the same for  
6 projects constructed or developed with public funds,  
7 including but not limited to power generating and  
8 distribution stations and other transmission and  
9 distribution facilities, water treatment facilities,  
10 airport facilities, sport stadiums, convention centers,  
11 and all government owned, operated, or occupied buildings,  
12 but only to the extent that disclosure would compromise  
13 security.

14           (l) Minutes of meetings of public bodies closed to the  
15 public as provided in the Open Meetings Act until the  
16 public body makes the minutes available to the public under  
17 Section 2.06 of the Open Meetings Act.

18           (m) Communications between a public body and an  
19 attorney or auditor representing the public body that would  
20 not be subject to discovery in litigation, and materials  
21 prepared or compiled by or for a public body in  
22 anticipation of a criminal, civil or administrative  
23 proceeding upon the request of an attorney advising the  
24 public body, and materials prepared or compiled with  
25 respect to internal audits of public bodies.

26           (n) Records relating to a public body's adjudication of

1 employee grievances or disciplinary cases; however, this  
2 exemption shall not extend to the final outcome of cases in  
3 which discipline is imposed.

4 (o) Administrative or technical information associated  
5 with automated data processing operations, including but  
6 not limited to software, operating protocols, computer  
7 program abstracts, file layouts, source listings, object  
8 modules, load modules, user guides, documentation  
9 pertaining to all logical and physical design of  
10 computerized systems, employee manuals, and any other  
11 information that, if disclosed, would jeopardize the  
12 security of the system or its data or the security of  
13 materials exempt under this Section.

14 (p) Records relating to collective negotiating matters  
15 between public bodies and their employees or  
16 representatives, except that any final contract or  
17 agreement shall be subject to inspection and copying.

18 (q) Test questions, scoring keys, and other  
19 examination data used to determine the qualifications of an  
20 applicant for a license or employment.

21 (r) The records, documents, and information relating  
22 to real estate purchase negotiations until those  
23 negotiations have been completed or otherwise terminated.  
24 With regard to a parcel involved in a pending or actually  
25 and reasonably contemplated eminent domain proceeding  
26 under the Eminent Domain Act, records, documents and

1 information relating to that parcel shall be exempt except  
2 as may be allowed under discovery rules adopted by the  
3 Illinois Supreme Court. The records, documents and  
4 information relating to a real estate sale shall be exempt  
5 until a sale is consummated.

6 (s) Any and all proprietary information and records  
7 related to the operation of an intergovernmental risk  
8 management association or self-insurance pool or jointly  
9 self-administered health and accident cooperative or pool.  
10 Insurance or self insurance (including any  
11 intergovernmental risk management association or self  
12 insurance pool) claims, loss or risk management  
13 information, records, data, advice or communications.

14 (t) Information contained in or related to  
15 examination, operating, or condition reports prepared by,  
16 on behalf of, or for the use of a public body responsible  
17 for the regulation or supervision of financial  
18 institutions or insurance companies, unless disclosure is  
19 otherwise required by State law.

20 (u) Information that would disclose or might lead to  
21 the disclosure of secret or confidential information,  
22 codes, algorithms, programs, or private keys intended to be  
23 used to create electronic or digital signatures under the  
24 Electronic Commerce Security Act.

25 (v) Vulnerability assessments, security measures, and  
26 response policies or plans that are designed to identify,

1 prevent, or respond to potential attacks upon a community's  
2 population or systems, facilities, or installations, the  
3 destruction or contamination of which would constitute a  
4 clear and present danger to the health or safety of the  
5 community, but only to the extent that disclosure could  
6 reasonably be expected to jeopardize the effectiveness of  
7 the measures or the safety of the personnel who implement  
8 them or the public. Information exempt under this item may  
9 include such things as details pertaining to the  
10 mobilization or deployment of personnel or equipment, to  
11 the operation of communication systems or protocols, or to  
12 tactical operations.

13 (w) (Blank).

14 (x) Maps and other records regarding the location or  
15 security of generation, transmission, distribution,  
16 storage, gathering, treatment, or switching facilities  
17 owned by a utility, by a power generator, or by the  
18 Illinois Power Agency.

19 (y) Information contained in or related to proposals,  
20 bids, or negotiations related to electric power  
21 procurement under Section 1-75 of the Illinois Power Agency  
22 Act and Section 16-111.5 of the Public Utilities Act that  
23 is determined to be confidential and proprietary by the  
24 Illinois Power Agency or by the Illinois Commerce  
25 Commission.

26 (z) Information about students exempted from

1 disclosure under Sections 10-20.38 or 34-18.29 of the  
2 School Code, and information about undergraduate students  
3 enrolled at an institution of higher education exempted  
4 from disclosure under Section 25 of the Illinois Credit  
5 Card Marketing Act of 2009.

6 (aa) Information the disclosure of which is exempted  
7 under the Viatical Settlements Act of 2009.

8 (bb) Records and information provided to a mortality  
9 review team and records maintained by a mortality review  
10 team appointed under the Department of Juvenile Justice  
11 Mortality Review Team Act.

12 (cc) Information regarding interments, entombments, or  
13 inurnments of human remains that are submitted to the  
14 Cemetery Oversight Database under the Cemetery Care Act or  
15 the Cemetery Oversight Act, whichever is applicable.

16 (dd) Correspondence and records (i) that may not be  
17 disclosed under Section 11-9 of the Public Aid Code or (ii)  
18 that pertain to appeals under Section 11-8 of the Public  
19 Aid Code.

20 (ee) The names, addresses, or other personal  
21 information of persons who are minors and are also  
22 participants and registrants in programs of park  
23 districts, forest preserve districts, conservation  
24 districts, recreation agencies, and special recreation  
25 associations.

26 (ff) The names, addresses, or other personal

1 information of participants and registrants in programs of  
2 park districts, forest preserve districts, conservation  
3 districts, recreation agencies, and special recreation  
4 associations where such programs are targeted primarily to  
5 minors.

6 (gg) Confidential information described in Section  
7 1-100 of the Illinois Independent Tax Tribunal Act of 2012.

8 (hh) The report submitted to the State Board of  
9 Education by the School Security and Standards Task Force  
10 under item (8) of subsection (d) of Section 2-3.160 of the  
11 School Code and any information contained in that report.

12 (ii) Records requested by persons committed to or  
13 detained by the Department of Human Services under the  
14 Sexually Violent Persons Commitment Act or committed to the  
15 Department of Corrections under the Sexually Dangerous  
16 Persons Act if those materials: (i) are available in the  
17 library of the facility where the individual is confined;  
18 (ii) include records from staff members' personnel files,  
19 staff rosters, or other staffing assignment information;  
20 or (iii) are available through an administrative request to  
21 the Department of Human Services or the Department of  
22 Corrections.

23 (jj) ~~(ii)~~ Confidential information described in  
24 Section 5-535 of the Civil Administrative Code of Illinois.

25 (1.5) Any information exempt from disclosure under the  
26 Judicial Privacy Act shall be redacted from public records

1 prior to disclosure under this Act.

2 (2) A public record that is not in the possession of a  
3 public body but is in the possession of a party with whom the  
4 agency has contracted to perform a governmental function on  
5 behalf of the public body, and that directly relates to the  
6 governmental function and is not otherwise exempt under this  
7 Act, shall be considered a public record of the public body,  
8 for purposes of this Act.

9 (3) This Section does not authorize withholding of  
10 information or limit the availability of records to the public,  
11 except as stated in this Section or otherwise provided in this  
12 Act.

13 (Source: P.A. 98-463, eff. 8-16-13; 98-578, eff. 8-27-13;  
14 98-695, eff. 7-3-14; 99-298, eff. 8-6-15; 99-346, eff. 1-1-16;  
15 revised 1-11-16.)

16 Section 5. The Illinois Pension Code is amended by adding  
17 Sections 1-113.17, 1-113.17a, 1-113.17b, and 1-113.17c as  
18 follows:

19 (40 ILCS 5/1-113.17 new)

20 Sec. 1-113.17. Investment transparency; definitions. As  
21 used in this Section and Sections 1-113.17a, 1-113.17b, and  
22 1-113.17c:

23 (a) "Affiliate" means any person directly or indirectly  
24 controlling or controlled by, or under direct or indirect

1 common control with, another person.

2 (a-5) "Alternative investment fund" means a private equity  
3 fund, hedge fund, or absolute return fund.

4 (b) "Board" or "public retirement system board" means the  
5 board of trustees of a public retirement system and includes  
6 the Illinois State Board of Investment established under  
7 Article 22A of this Code.

8 (c) "External manager" means either of the following:

9 (1) A person who manages an alternative investment fund  
10 and who offers or sells, or has offered or sold, an  
11 ownership interest in the alternative investment fund to a  
12 board.

13 (2) A general partner, managing member entity, fund  
14 manager, fund adviser, or other similar person or entity  
15 with decision-making authority over an alternative  
16 investment fund.

17 (d) "External manager group" means (1) the external  
18 manager, (2) its affiliates, (3) any other parties described in  
19 the external manager's marketing materials for the relevant  
20 alternative investment fund as providing services to or on  
21 behalf of portfolio holdings, and (4) any other parties  
22 described in the external manager's affiliated adviser's SEC  
23 Form ADV filing as receiving portfolio holding fees or  
24 portfolio holding other compensation. "External manager group"  
25 does not include the affiliated alternative investment fund in  
26 which the public retirement system is an investor, nor does it

1 include an alternative investment fund used to effectuate  
2 investments of the affiliated fund in which the public  
3 retirement system is an investor.

4 (e) "Marketing materials" means (1) a prospectus, (2) a  
5 private placement memorandum, (3) a prospective investor  
6 presentation, (4) a due diligence questionnaire, but only if  
7 the questions are authored by an external manager, or (5) any  
8 other written material provided by an external manager for the  
9 purpose of soliciting a commitment to an alternative investment  
10 fund.

11 (f) "New agreement" means an agreement that is proposed or  
12 executed after February 1, 2019, and includes any modification  
13 to or amendment of such an agreement that modifies or alters  
14 any of the provisions required to be disclosed under Section  
15 1-113.17a or 1-113.17b. "New agreement" also means any  
16 subsequent agreement that implements, memorializes, or  
17 provides detail about such an agreement.

18 (g) "Person" means an individual, corporation,  
19 partnership, limited partnership, limited liability company,  
20 or association, either domestic or foreign.

21 (h) "Portfolio holding" means any business, partnership,  
22 real property, or other business entity or asset in which an  
23 alternative investment fund has, at any time, held either an  
24 interest in the securities thereof or a real property interest  
25 in, or has acted as a lender to, the entity or asset.

26 (i) "Portfolio holding fee" means the total payment

1 obligation of a portfolio holding, regardless of whether it is  
2 actually paid or accrued, and regardless of whether the payment  
3 obligation is satisfied in cash, securities, or other  
4 consideration, and regardless of whether it is incurred as  
5 compensation for services provided or as reimbursement for  
6 expenses incurred.

7 (j) "Private equity fund" means a pooled investment entity  
8 that is, or holds itself out as being, engaged primarily, or  
9 proposes to engage primarily, in investment strategies  
10 involving equity or debt financings that are provided for  
11 purchasing or expanding private or public companies, or for  
12 related purposes such as financing for capital, research and  
13 development, introduction of a product or process into the  
14 marketplace, or similar needs requiring risk capital. This  
15 includes, but is not limited to, financing classified as  
16 venture capital, mezzanine, buyout, or growth funds.

17 (k) "Public retirement system" means a pension fund or  
18 retirement system subject to Article 5, 6, 7, 8, 9, 11, 12, 13,  
19 15, 16, or 17 of this Code, and includes the Illinois State  
20 Board of Investment established under Article 22A of this Code.

21 (l) "Task Force" means the Investment Transparency Task  
22 Force created under Section 1-113.17c of this Code.

23 (40 ILCS 5/1-113.17a new)

24 Sec. 1-113.17a. Investment transparency; disclosure of  
25 alternative investment fund agreements.

1       (a) The definitions in Section 1-113.17 of this Code apply  
2 to this Section.

3       (b) Within 90 days after entering into a new agreement to  
4 invest in an alternative investment fund, a public retirement  
5 system must disclose, in the manner provided under this  
6 Section, the existence of the agreement and all of the  
7 following parts and provisions of the agreement:

8           (1) All management fee waiver provisions, including,  
9 but not limited to, provisions that permit the external  
10 manager or general partner to waive fees, or that specify  
11 the mechanics of the fee waiver or its repayment, or that  
12 specify the magnitude of the fee waiver, or that are  
13 necessary to understand how the fee waiver works, and all  
14 defined terms related to or affecting the fee waiver.

15           (2) All indemnification provisions, including, but not  
16 limited to, provisions that require the alternative  
17 investment fund or its investors to indemnify the external  
18 manager or general partner, or any of its affiliates, for  
19 settlements or judgments paid, and including all  
20 provisions necessary to understand how the indemnification  
21 works and all defined terms related to or affecting  
22 indemnification.

23           (3) All clawback provisions, including, but not  
24 limited to, provisions that allow the external manager or  
25 general partner to pay back an amount less than the full  
26 cost of the overpayment received by the manager, and

1 including all provisions necessary to understand how the  
2 clawback works and all defined terms related to or  
3 affecting clawbacks.

4 (4) The cover page and signature block of the  
5 agreement.

6 However, in the case of a new agreement that consists of a  
7 modification of or amendment to a previous new agreement for  
8 which the disclosures required under this subsection have  
9 already been made, it is sufficient for the public retirement  
10 system (i) to identify the previous disclosures and disclose  
11 only the parts and provisions of the modification of or  
12 amendment to the agreement that modify, alter, or affect any of  
13 the provisions previously disclosed under this subsection or  
14 (ii) to make and disclose a finding that the modification or  
15 amendment does not modify, alter, or affect any of the  
16 provisions previously disclosed under this subsection,  
17 whichever is applicable.

18 (c) The public retirement system shall make the disclosures  
19 required under subsection (b) by doing all of the following:

20 (1) filing a copy of the required material with the  
21 Public Pension Division of the Illinois Department of  
22 Insurance;

23 (2) filing a copy of the required material with the  
24 Illinois Secretary of State; and

25 (3) posting and maintaining the required material on  
26 the public retirement system's website.

1       (d) A new agreement shall not be deemed to be violated or  
2 made invalid by the public retirement system's good faith  
3 effort to make the disclosures required under subsection (b) of  
4 this Section, nor due to harmless or inadvertent failure by the  
5 public retirement system to correctly include or identify a  
6 component of a required disclosure.

7       (e) The following are public records and are subject to  
8 disclosure under the Freedom of Information Act:

9           (1) All of the material required to be disclosed under  
10 subsection (b) of this Section.

11           (2) Any amounts paid in indemnification and any amounts  
12 deducted from payments owed by the general partner or  
13 external manager under an agreement establishing or  
14 providing for participation in an alternative investment  
15 fund by a public retirement system, and any documents  
16 submitted to a public retirement system justifying the  
17 demand for payment relating to the indemnification.

18           (3) The cover page and a legible copy of the executed  
19 signature block of any new agreement to establish or  
20 participate in an alternative investment fund by a public  
21 retirement system.

22       (f) If a public retirement system adopts and implements the  
23 recommendations of the Task Force that apply to this Section,  
24 and those recommendations are not rejected by the General  
25 Assembly under subsection (f) of Section 1-113.17c, then  
26 disclosures made in conformance with those recommendations

1 shall constitute compliance with the disclosure requirements  
2 of this Section.

3 (40 ILCS 5/1-113.17b new)

4 Sec. 1-113.17b. Investment transparency; disclosure of  
5 certain investment fees.

6 (a) The definitions in Section 1-113.17 of this Code apply  
7 to this Section. For the purposes of this Section, "carried  
8 interest" means a share of the profits of an alternative  
9 investment fund that is paid, accrued, or due to the general  
10 partner or the external manager or their affiliates.

11 (b) This Section applies to any new agreement that a public  
12 retirement system enters into in order to establish or  
13 participate in an alternative investment fund. A public  
14 retirement system shall not enter into such new agreement  
15 without a written undertaking by the alternative investment  
16 fund external managers and general partners that they will  
17 comply with this Section and the requirements of the public  
18 retirement system under subsection (c), or under subsection (e)  
19 if applicable.

20 (c) Every public retirement system shall require its  
21 alternative investment fund external managers and general  
22 partners to make the following disclosures annually, in a  
23 manner and form prescribed by the system, in regard to each  
24 alternative investment fund:

25 (1) The fees and expenses that the public retirement

1 system pays directly to the alternative investment fund, or  
2 to the alternative investment fund external manager or  
3 general partner.

4 (2) The public retirement system's share of all fees  
5 and expenses not included in paragraph (1), including  
6 carried interest, that are paid or allocated from the  
7 alternative investment fund to the external manager or  
8 general partners, or that are deducted from payments owed  
9 from the external manager or general partners to the  
10 alternative investment fund.

11 (3) The amount of all management fee waivers made by  
12 the alternative investment fund external managers or  
13 general partners.

14 (4) The total amount of portfolio holding fees incurred  
15 by each portfolio holding of the alternative investment  
16 fund as payment to any person who is a member of the  
17 external manager group.

18 An alternative investment fund external manager or general  
19 partner may provide the public retirement system with a  
20 completed reporting template developed by the Institutional  
21 Limited Partners Association for the relevant category of  
22 investment; doing so constitutes compliance with that external  
23 manager or general partner's annual disclosure requirements  
24 under this subsection for the year covered in the completed  
25 template.

26 (d) A public retirement system shall make the information

1 received under subsection (c) available by:

2 (1) filing a copy of the received material with the  
3 Public Pension Division of the Illinois Department of  
4 Insurance; and

5 (2) posting and maintaining the received information  
6 on the public retirement system's website, together with  
7 sufficient identifying and explanatory material to  
8 facilitate access and understanding by the public.

9 (e) If a public retirement system adopts and implements the  
10 recommendations of the Task Force that apply to this Section,  
11 and those recommendations are not rejected by the General  
12 Assembly under subsection (f) of Section 1-113.17c, then  
13 disclosures made in conformance with those recommendations  
14 shall constitute compliance with the disclosure requirements  
15 of this Section.

16 (40 ILCS 5/1-113.17c new)

17 Sec. 1-113.17c. Investment Transparency Task Force.

18 (a) The definitions in Section 1-113.17 of this Code apply  
19 to this Section.

20 (b) There is created the Investment Transparency Task  
21 Force. It is the purpose of the Task Force to study, identify  
22 best available practices, and make recommendations relating  
23 to: (1) disclosure of, and best practices related to, the  
24 portions of limited partnership agreements addressing  
25 indemnification provisions, clawback provisions, and

1 management fee waivers, which are the subject of Section  
2 1-113.17a; and (2) disclosure of fees and expenses incurred,  
3 including related fee waivers and portfolio holding fees, which  
4 are the subject of Section 1-113.17b.

5 (c) The Task Force shall consist of the following persons:

6 (1) The executive director (or his or her designee) of  
7 each public retirement system subject to Article 5, 6, 7,  
8 8, 9, 11, 12, 13, 15, 16, or 17 of this Code, and the  
9 director of the Illinois State Board of Investment  
10 established under Article 22A of this Code (or the  
11 director's designee).

12 (2) One person appointed by each of the 4 Legislative  
13 Leaders.

14 (3) The State Treasurer, or his or her designee.

15 (4) One person representing the interests of external  
16 managers, appointed by the State Treasurer.

17 (5) One person representing the interests of the  
18 beneficiaries of public retirement systems, appointed by  
19 the State Treasurer.

20 (6) One person representing the interests of Illinois  
21 taxpayers, appointed by the State Treasurer.

22 All members shall be appointed for the life of the Task  
23 Force. In the case of a resignation or other vacancy occurring  
24 among persons appointed under item (2), (3), (4), (5), or (6),  
25 a replacement member may be appointed by the applicable  
26 appointing authority.

1       (d) Members of the Task Force shall serve without  
2 compensation, but may be reimbursed for their necessary  
3 expenses from funds lawfully available for that purpose.

4       (e) No later than January 15, 2018, the Task Force shall  
5 report to the General Assembly and the public retirement  
6 systems its findings and recommendations, which must be adopted  
7 by a majority of the members appointed. The report of the Task  
8 Force shall separate and clearly designate the portions of its  
9 findings and recommendations that relate (i) to Section  
10 1-113.17a and (ii) to Section 1-113.17b. In each portion, the  
11 findings and recommendations shall be prepared and presented in  
12 a form that can be readily identified, adopted, and implemented  
13 by any public retirement system wishing to do so. Copies of the  
14 report shall be made available to the public as provided by  
15 law.

16       (f) The 100th General Assembly may, by joint resolution,  
17 reject the portion of the report relating to Section 1-113.17a,  
18 the portion of the report relating to Section 1-113.17b, or  
19 both. Any part of the report that is not so rejected shall be  
20 deemed to have been accepted by the General Assembly as  
21 consistent with the public policy of the State.

22       (g) A public retirement system may adopt and implement any  
23 of the recommendations of the Task Force at any time. However,  
24 if one or both portions of the report are rejected by the  
25 General Assembly under subsection (f), the public retirement  
26 system shall adjust its implementation of the rejected

1 provision as necessary to comply with the requirements of  
2 Section 1-113.17a or 1-113.17b or both, as applicable.

3 Section 99. Effective date. This Act takes effect upon  
4 becoming law.".